

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STEVEN VARGO, et al.,

Plaintiffs,

vs.

No. 1:24-cv-00301-SMD-LF

EVO TRANSPORTATION & ENERGY
SERVICES, INC., et al.,

Defendants.

ORDER

THIS MATTER is before the Court on plaintiffs' opposed motions to compel discovery responses, Doc. 63, and for an extension of time to complete discovery, Doc. 65. The Court held a hearing on plaintiffs' motions on June 12, 2025. *See* Doc. 73. For the reasons stated on the record at the hearing, the Court grants in part and denies in part both motions.

Plaintiffs' motion to compel (Doc. 63) is granted in part and denied in part as follows:

1. Defendants' Rule 30(b)(6) witnesses must be prepared to testify about whether defendants conducted business in New Mexico before June 1, 2021. Assuming those witnesses testify consistent with defense counsel's representation that defendants conducted no business in New Mexico before June 1, 2021, the relevant time period for the Requests for Production and Interrogatories at issue in plaintiffs' motion to compel is June 1, 2021, to the present.
2. Defense counsel will confirm that defendants employed drivers in New Mexico under only two contracts: USPS Contract No. 274Y3 and USPS Contract No. 793L7. Assuming defendants confirm that information, defendants must supplement their responses to Requests for Production 27 to 47 and Interrogatories 15 to 21 with documents and information concerning all drivers who drove under USPS Contract

793L7 by **July 14, 2025**, to the extent that such documents and information have not already been produced.

Plaintiffs' motion for an extension of time to complete discovery (Doc. 65) is likewise granted in part and denied in part as follows:

1. The deadline for plaintiffs to complete Federal Rule of Civil Procedure 30(b)(6) depositions is extended to **September 2, 2025**.¹
2. The deadline for defendants to file a motion for protective order concerning the Rule 30(b)(6) depositions is extended to **July 14, 2025**. Plaintiffs' response to that motion is due by **July 21, 2025**; defendants' reply is due by **July 25, 2025**; and the Court will hold a hearing on the motion on **July 28, 2025**, at **10:00 a.m. MT** by Zoom, with Zoom login information to follow in a separate notice. Counsel will notify the Court as soon as possible if they determine that this hearing is unnecessary.
3. Defendants may engage in limited follow-up discovery with plaintiffs until **September 2, 2025**, concerning documents and information that defendants have already received during the discovery process to this point.
4. Plaintiffs' class certification motion is due by **October 17, 2025**; defendants' response to that motion is due by **November 17, 2025**; and plaintiffs' reply is due by **December 8, 2025**.

¹ The Court initially set this deadline as September 1, 2025. Because September 1, 2025, is a federal holiday, the deadline has been changed to September 2, 2025.

5. The Court will set deadlines for merits discovery and dispositive motions, if necessary, after the presiding judge has decided the class certification motion.

IT IS SO ORDERED.



Laura Fashing
United States Magistrate Judge